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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

|                        |                                  |                            |                     |
|------------------------|----------------------------------|----------------------------|---------------------|
| <b>Bill Number</b>     | <u>HB242</u>                     | <b>Sponsor</b>             | <u>Armstrong, G</u> |
| <b>Tracking Number</b> | <u>.219450.1</u>                 | <b>Committee Referrals</b> | <u>HHHC/HEC</u>     |
| <b>Short Title</b>     | <u>Dental Exams For Students</u> |                            |                     |
| <b>Analyst</b>         | <u>Hoxie</u>                     | <b>Original Date</b>       | <u>2/7/2021</u>     |
|                        |                                  | <b>Last Updated</b>        | <u></u>             |

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**BILL SUMMARY**

Synopsis of Bill

House Bill 242 (HB242) repeals Section 22-1-14 NMSA 1978 of the Public School Code which requires that after July 1, 2021, every public school student must undergo a dental examination and requires the Public Education Department (PED) to promulgate rules that prescribe the requirements for dental examinations for public school students.

**FISCAL IMPACT**

HB242 does not contain an appropriation.

**SUBSTANTIVE ISSUES**

**Reducing Burden of School Entry Requirements.** Repealing the requirement to obtain a dental examination prior to a student's entry into public school could reduce the burden of school entry requirements for families and school personnel. In prior analysis, the Department of Health (DOH) indicated requiring a dental examination prior to enrolling in school could be a challenge due to travel distances to access a dental provider for residents of rural and frontier New Mexico, as well as the lack of Medicaid providers, and the lack of pediatric dentists. Immigrant populations without residency status, who lack Medicaid or adequate finances, are often unable to access dental treatment. The Early Childhood Education and Care Department notes the diminished administrative burden on school personnel responsible for implementing school entry requirements.

**Preventative Dental Care.** In a 2018 report, DOH reported about 85 percent of New Mexico children had at least one preventative dental visit in the past year, higher than the national percentage of 78.7 percent. Close to 90 percent of New Mexico children with special healthcare needs received a preventative dental visit. However, a higher percentage of New Mexico children had tooth decay (14 percent) than the national percent (11.7). The Center for Disease Control and Prevention (CDC) indicates tooth decay is one of the most common chronic conditions of childhood in the United States and four times more common than asthmas among 14- to 17-year

olds. The CDC reports the percentage of children and adolescents 5- to 19-year olds with untreated tooth decay is twice as high for those from low-income families (25 percent) compared with children from higher-income households (11 percent). If left untreated, tooth decay can cause pain and infections that may lead to problems with eating, speaking, playing, and learning. Regulation and Licensing Department agency analysis noted concern from the Chair of the Board of Dental Health Care about the repeal of a dental examination requirement. The analysis further stated that preventative dental care reduces the need for emergency dental care which has higher costs and often results in loss of school days.

**Screening Laws Do Not Consistently Secure Dental Services for Children in Need.** The Children’s Dental Health Projects notes 15 states and the District of Columbia, including New Mexico, have dental screening laws for school-aged children. Although states with dental screen laws have increased parental knowledge of oral health’s importance, such laws often do not secure dental clinics for children in need. The report notes that without funding to support screenings, states may lack the workforce to enforce dental screening laws effectively, evaluate the data collected, and use screening laws to improve dental health practice and programs.

### **ADMINISTRATIVE IMPLICATIONS**

Section 22-1-14 NMSA 1978 of the Public School Code required PED to enact rules by July, 1 2020, that specify the dental examination requirements, provide extensive education statewide for parents and guardians explaining the requirements for dental examination, and provide families across the state with the dental examination requirements and information about where to receive referrals to healthcare professionals before enrollment. PED would need to update the Student Accountability Reporting System to indicate if a family complied with the dental examination requirements. Under the dental examination requirement, PED must collect data regarding student compliance with dental examination requirements and provide the Legislative Finance Committee and the HHHS Committee with an annual written report of the data.

On June 8, 2020 PED held a hearing on proposed rule NMAC 6.12.13 which provided parameters for the requirements of schools to verify student records of dental examination prior to enrollment and provided an expectation for the an opt-out process for parents or guardians who choose not to provide students with a dental examination prior to school enrollment. It is unclear if this rule was adopted by PED.

### **SOURCES OF INFORMATION**

- LESC Files
- Regulation and Licensing Department
- Early Childhood Education and Care Department
- Department of Health

**EH/mb**